



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Robert M. Farrell
CLERK OF COURT

JURY EVIDENCE RECORDING SYSTEM

OVERVIEW

The District Court for the District of Massachusetts is using a jury evidence recording system (JERS) that allows evidence admitted during trial to be viewed electronically in the jury deliberation room upon the conclusion of the trial.

JERS provides easy access to evidence during the deliberations through the use of a touch screen monitor in the jury room.

Attorneys of record will be given an opportunity to review the exhibits at the conclusion of evidence. Court personnel, at the Judge's direction, will release exhibits to the jury as deliberations begin.

JERS has the ability to:

- Store all exhibits submitted prior to trial, and then designate just those admitted into evidence for the jury's use during deliberations;
- Capture, through the courtroom's presentation equipment, exhibits that were not submitted prior to trial but later admitted by the court;
- Print a list of the exhibits, by number and by description, that can be released to the deliberating jury; and
- Restrict how the jury may review the exhibit: Audio Only, Video Only, Zoom Off (Zoom Off restricts the jury from enlarging an exhibit on the touch screen in the deliberation room).

The presiding judge will determine how and if JERS will be used during any trial.

At the conclusion of the trial (after the verdict is returned) the clerk's office will produce a DVD of all exhibits presented to the jury for the attorney of record for the plaintiff and defendant.

ACCEPTABLE FILE TYPES FOR EXHIBITS

JERS will accept electronic evidence only in the following formats as other types cannot be uploaded:

- Documents and Photographs:
.bmp, .gif, .jpg, .pdf, .tif
- Video and Audio Recordings:
.avi, .mpg, .mp3, .wav, .wma, .wmv

Each PDF file may not be larger than 50MB. The size is not limited for other file types.

Questions regarding this system may be directed to Craig Nicewicz, Deputy Assistant Operations Manager at 617-748-9161

SUBMITTING EXHIBITS

Counsel shall submit all proposed exhibits on a DVD-R or CD, as directed by the court, at the final pretrial conference or in the final pretrial order. The clerk's office may not accept flash/thumb drives. All exhibits must be on a CD or DVD.

The disc shall be labeled with the title of the case and the name of the party for whom the exhibits are submitted. All the files shall be in one directory on the CD (preferably the root directory). A hard copy of the party's exhibit list that includes the electronic file name for each exhibit shall be submitted with the DVD-R or CD. Unless otherwise directed by the court, the disc will not be returned to counsel. Parties shall be prepared, as is the usual practice, to submit hard copies of any exhibit admitted during trial.

There are two ways for attorneys to electronically prepare exhibits for use in JERS:

Method one: each exhibit file should be clearly named as in the examples below:

exhibit number_exhibit description.file extension,

or, if an exhibit has sub-parts,

exhibit number-exhibit subpart_exhibit description.file extension.

For example:

1_camera footage.wmv
2_contract.pdf
3-a_photo of store from east view.jpg
3-b_photo of store from west view.jpg

Method two: attorneys using exhibit management software may submit (on a CD or DVD-R) exhibits exported using an indexed file method. The CD shall also contain a text delimited file naming the exhibits. The text file must be named "Exhibits.txt" and each line must contain information using this format:
exhibit number-optional subpart|exhibit description|exhibit file name.

For example:

001-001|Camera footage|001.wmv
002-001|Contract.pdf|002.pdf
003-001|Photo of bank from west|003.jpg
003-002|Photo of bank from east|004.jpg

The "Exhibits.txt" file must be in the same folder or directory as all the exhibits.

IMPORTANT: The exhibit description for either method may not exceed 130 characters, including spaces. Quotation marks, brackets, parentheses, and foreign language accent marks MAY NOT be used in the exhibit description.

The exhibit description will appear on the list displayed to the jury.

The file name MUST NOT begin with a number.

Hyphens and underscore characters must be used only as shown in the examples above.

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PRIOR TO TRIAL

Counsel shall mark all exhibits as directed by the court, and produce an exhibit list.

DURING TRIAL

There is no real difference for the attorneys or the jury during the trial. Exhibits still will be presented and admitted in the traditional format (i.e., on paper or electronically). The presiding judge will make any decisions on what method will be used to present the evidence during trial.

Attorneys shall have paper copies of all exhibits available to be marked by the clerk when admitted by the court, and for use by the jury during deliberations.

On occasion evidence may be modified by a witness (for example, marking a picture or document) or by the court (redacting certain pages of an exhibit), during the trial. Should there be any change to the evidence submitted prior to trial, the courtroom deputy will work with counsel, prior to the start of deliberations, to substitute in JERS the original exhibits submitted for the new version admitted by the court.

PRIOR TO DELIBERATIONS

The courtroom deputy clerk will meet with counsel prior to the court's charge to the jury and review all exhibits entered in the JERS software, to guarantee that the evidence is labeled correctly.

The JERS software has the ability to permit, or not permit, the jury to zoom in or zoom out of any evidence (other than audio or video submissions). The court may make a determination, when necessary, as to how that function will be used.

The presiding judge will advise the jury as part of his or her charge that JERS is available in the deliberation room and explain that a tutorial is available.

APPEALS

The Court of Appeals requires the submission of hard copies of any and all trial exhibits. Hard copy (paper) exhibits are returned to counsel at the conclusion of deliberations. Counsel must retain those exhibits until the appeal time has lapsed.

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